

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY LEWIS,

Plaintiff,

3:10-CV-0083-RCJ (VPC)

vs.

MINUTES OF THE COURT

J. ALLEN *et al.*,

Date: November 9, 2011

Defendants.

_____/

PRESENT:

THE HONORABLE VALERIE P. COOKE, UNITED STATES MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF: NONE APPEARING

COUNSEL FOR DEFENDANTS: NONE APPEARING

MINUTE ORDER IN CHAMBERS: XXX

Before the Court are two motions. Each is addressed in turn.

1. Defendants' Motion to Strike (#94) Plaintiff's "Continuation of Opposition to Defendants' Partial Motion to Dismiss" #83

Defendants' motion to dismiss was fully briefed pursuant to Local Rule 7-2. Nevertheless, plaintiff subsequently filed a document styled, "continuation of opposition to defendants' partial motion to dismiss (#83). This drew defendants' motion to strike (#94), which plaintiff did not oppose. Defendants' motion is granted because (1) the Court did not give plaintiff leave to file a supplemental points and authorities, and (2) plaintiff's failure to oppose the motion to strike is deemed consent to the motion. Local Rule 7-2(d).

2. Defendants' Motion to Strike, Motion for Stay, and Motion for Protective Order Against Further Frivolous and Improper Motions and Filings (#97)

Defendants filed this consolidated motion, which seeks relief on three separate matters.¹ This Court earlier granted defendants' motion to stay plaintiff's motion for summary judgment or cross-motion for summary judgment as more fully set forth in its Order (#101). This Court also denied without prejudice defendants' motion for protective order. *Id.* Therefore, the only issue that remains is the following motion.

A. *Defendants' Motion to Strike (#97) Opposition to Defendants' Partial Motion to Dismiss #89*

Defendants move to strike a document entitled "plaintiff's opposition to defendants' motion to dismiss."² Plaintiff opposed (#89). As stated above, defendants' motion to dismiss was fully briefed, and the plaintiff did not seek leave of Court to file supplemental points and authorities. Defendants' motion to strike docket number 89 is granted.

Based upon the foregoing, and for good cause appearing, defendants' motion to strike (#94) is **GRANTED**, and defendants' motion to strike plaintiff's opposition to partial motion to dismiss (#97) is **GRANTED**.

IT IS ORDERED that the Clerk shall **STRIKE** following two documents: (1) #83 plaintiff's continuation of opposition to defendants' motion to dismiss; and (2) #89 plaintiff's opposition to defendants' partial motion to dismiss.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____/s/_____

Deputy Clerk

¹While the Court appreciates that defendants are attempting to address plaintiff's numerous motions, it confuses the record to consolidate motions. Defendants' counsel is asked to file separate motions in the future.

²Defendants refer to plaintiff's opposition as docket number 90; however, the Clerk of Court docketed the opposition as docket number 89 because plaintiff consolidated both a motion and opposition in one document. The Clerk of Court designated two docket numbers to clarify that these are two separate documents.